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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 PATRICK JACK, et al.,

11 Plaintiffs,

12 v.

13 ASBESTOS CORPORATION LTD,  
14 et al.,

15 Defendants.

CASE NO. C17-0537JLR

ORDER

16 The court has further reviewed Plaintiffs Patrick Jack and Leslie Jack's  
17 (collectively, "the Jacks") complaint (Compl. (Dkt. # 1)) and the corporate disclosure  
18 statements filed to date (*see* Corp. Discl. Statements (Dkt. ## 5, 9, 12, 20, 22, 25, 28, 29,  
19 31, 33, 37, 39, 41, 46, 48, 50, 51, 52, 55, 57, 62, 69, 75, 77, 80, 83, 86, 87, 103, 104, 105,  
20 106, 124)). Based on its review, the court finds that Defendants Goulds Pumps, LLC  
21 ("Goulds"), M.W. Custom Papers, LLC ("M.W."), Hennessy Industries, LLC's  
22 ("Hennessy"), and Crosby Valve, LLC's ("Crosby") (collectively, "LLC Defendants")

1 corporate disclosure statements call into question the court’s subject matter jurisdiction  
2 on the basis of diversity of citizenship. (*See* Goulds Statement (Dkt. # 41); M.W.  
3 Statement (Dkt. # 57); Hennessy Statement (Dkt. # 106); Crosby Statement (Dkt. # 124);  
4 Compl. ¶ 40 (asserting diversity jurisdiction).) The Jacks assert that the court’s  
5 jurisdiction is based on diversity of citizenship. (*See* Compl. ¶ 40 (citing 28 U.S.C.  
6 § 1332).) A federal court has diversity jurisdiction over cases where the citizenship of  
7 the parties is completely diverse and the amount in controversy exceeds \$75,000.00. 28  
8 U.S.C. § 1332. For purposes of assessing diversity jurisdiction, the court must consider  
9 the domicile of all members of a limited liability company (“LLC”). *Johnson v.*  
10 *Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (“[A]n LLC is a  
11 citizen of every state of which its owners/members are citizens.”); *see also* Local Rules  
12 W.D. Wash. LCR 8(a).

13 In their complaint, the Jacks name LLC Defendants as corporations (Compl. ¶¶ 11,  
14 19-20, 26) (naming Crosby Valve, Inc., Goulds Pumps, Inc., MeadWestvaco Corporation,  
15 and Hennessy Industries, Inc., as defendants)), but LLC Defendants state that they are in  
16 fact LLCs (Goulds Statement at 1 (stating that Goulds Pumps, Inc., is now known as  
17 Goulds Pumps LLC); M.W. Statement at 1 (stating that the Jacks improperly named  
18 M.W. Custom Papers, LLC, as MeadWestvaco Corporation); Hennessy Statement at 1  
19 (stating that the Jacks improperly named Hennessy Industries, LLC, as Hennessy  
20 Industries, Inc.); Crosby Statement at 1 (stating that the Jacks improperly named Crosby  
21 Valve, LLC, as Crosby Valve, Inc.)). Goulds, M.W., and Crosby do not state who its  
22 members are or where those members are domiciled (*see* Goulds Statement at 1; M.W.

1 Statement at 1; Crosby Statement at 1), and although Hennessy states that Fortive  
2 Corporation (“Fortive”) is its sole member, Hennessy does not state the domicile of  
3 Fortive (*see* Hennessy Statement at 1). Because the Jacks have not alleged the domicile  
4 of all of the members of LLC Defendants, the court cannot determine whether the Jacks  
5 have properly invoked the court’s subject matter jurisdiction.<sup>1</sup>

6 Accordingly, the court ORDERS the Jacks to file a response of no more than three  
7 (3) pages addressing where all of LLC Defendants’ members are domiciled. The Jacks  
8 must file their response no later than Tuesday, May 23, 2017, at 1:00 p.m. If the Jacks  
9 fail to file a response or otherwise demonstrate the court’s subject matter jurisdiction, the  
10 court may dismiss this action without prejudice.

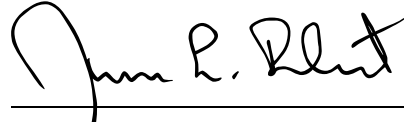
11 The court further ORDERS Goulds, M.W., Hennessy, and Crosby to participate in  
12 the May 23, 2017, hearing in person or telephonically. (*See* 5/18/17 Min. Order at 2.) At  
13 the hearing, Goulds, M.W., Hennessy, and Crosby must be prepared to address the  
14 domicile of their members. If any of those defendants wishes to participate in the hearing  
15 telephonically, the party must contact the undersigned judge’s Courtroom Deputy no later  
16 than Tuesday, May 23, 2017, at 10:00 a.m. to arrange a telephonic appearance. Goulds,

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18 <sup>1</sup> The Jacks also name as defendants Pneumo Abex, LLC, and Warren Pumps, LLC. (*See*  
19 Compl. ¶¶ 30, 36). However, those defendants’ corporate disclosure statements satisfy the court  
20 that their citizenship is diverse from that of the Jacks. (*See* Pneumo Statement (Dkt. # 69) at 1  
21 (stating that Pneumo Abex is domiciled in South Carolina, Pennsylvania, and Delaware); Warren  
22 Statement (Dkt. # 5) at 1 (stating that IMO Industries, Inc., is Warren’s sole member); Compl.  
¶ 22 (alleging that IMO Industries, Inc., is a citizen of Delaware and New Jersey).) In addition,  
the Jacks name as a defendant Borg-Warner Corporation (“Borg-Warner”). (Compl. ¶ 7.) In its  
corporate disclosure statement, Borg-Warner states that the proper defendant is actually  
BorgWarner Morse TEC, LLC, of which Borg-Warner is the sole member. (Borg-Warner  
Statement (Dkt. # 48) at 1.) For purposes of diversity jurisdiction, the Jacks’ complaint  
sufficiently alleges that BorgWarner is a citizen of Delaware and New York. (Compl. ¶ 7.)

1 M.W., Hennessy, and Crosby may—but are not required to—file a response addressing  
2 where their members are domiciled subject to the page limitation and deadline set forth  
3 above.

4 Dated this 22nd day of May, 2017.

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7 JAMES L. ROBART  
8 United States District Judge  
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